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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,218	11/03/2003	Paul H. Bouchier	10001754-3	3109

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HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/700,218

Applicant(s)

BOUCHIER ET AL.

Examiner

Raymond Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/23/2003.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### Part III DETAILED ACTION

#### *Notice to Applicant(s)*

1. This action is responsive to the following communications: continuation and pre-amendment filed on November 3, 2003.
2. This application has been examined. Claims 18-45 are pending.

#### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 18, 23, 25, 27, 31, are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 in Patent No. 6,684,343. Although the conflicting claims are not identical, they are not patentably distinct from each other because the omissions of, the service processor maintains security for the computer system to limit access to authorized users, in

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claim 1 are obvious expedients since elements of claims 18, 23, 25, 27, 31 the present application still perform the same functions,

plurality of cell boards, with each cell board including at least one main processor and

service processor that is connected to each of the cell boards;

wherein each partition includes at least one cell board, each partition is prevented from accessing memory of a different partition, service processor manages operations of the partitions.

as claim 1 of the patent. In re Karlson, 136 USPQ 189 (ccPA 1963).

5. Claims 32, 38, 40, 42, 45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17 in Patent No. 6,684,343. Although the conflicting claims are not identical, they are not patentably distinct from each other because the omissions of, the service processor maintains security for the computer system to limit access to authorized users, in claim 17 are obvious expedients since elements of claims 32, 38, 40, 42, 45 the present application still perform the same functions,

plurality of cell boards, with each cell board including at least one main processor and

providing service processor that is connected to each of the cell boards;

managing operations of the partitions via the service processor;

preventing each partition from accessing memory of a different partition,

as claim 17 of the patent. In re Karlson, 136 USPQ 189 (ccPA 1963).

6. The remaining claims, not specifically mentioned, is rejected for the same reason as set for claims 18, 23, 25, 27, 31, 32, 38, 40, 42, 45.

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***Allowable Subject Matter***

7. Claims 28-45 are allowable over the prior of records.
8. The following is an Examiner's statement of reasons for the indication of allowable subject matter: Claims 18, 23, 25, 27, 31, 32, 38, 40, 42, 45 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior arts which teach wherein each partition includes at least one cell board, each partition is prevented from accessing memory of a different partition, service processor manages operations of the partitions and
- the service processor can reset a partition (claims 18, 32);
  - the service processor monitors power requirements and determines whether a new component is added to the system based upon the power required for the new component (claims 23, 38);
  - the service processor monitors log events (claims 25, 40);
  - the service processor monitors status of the cells (claims 27, 42);
  - the service processor updates firmware resident in the cells (claims 31, 45)
9. The remaining claims, not specifically mentioned, is allowed for the same reason as set for claims 18, 23, 25, 27, 31, 32, 38, 40, 42, 45.

***Conclusion***

10. All claims are rejected.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (703) 306-2756. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (703) 305-9656 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 746-7239.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Raymond Phan', with a long horizontal flourish extending to the right.

**Raymond Phan**

5/14/04

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